IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 529 of 2007()

CC.282/2004 of J.M.F.C.,PARAPPANANGADI

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CRIMENO.17/04 OF PIRAPPANANGADI POLICE STATION

: PETITIONER/1ST ACCUSED:

UNNIKRISHNAN,
KEEZHEPATTU HOUSE, ARIYALLOOR, MALAPPURAM.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
PARAPPANANGADI POLICE STATION, PARAPPANANGADI,
MALAPPURAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 529 OF 2007 A

Dated this the 1st day of February, 2007

O R D E R

Petitioner, who is the first accused in Crime No.17/2004 of Parappanangadi Police Station for offences punishable under Secs.498A read with section 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the JFCM, Parappanangadi, where the case is now pending as C.C. No.282/04, non-bailable warrant of arrest is pending against the petitioner. According to the petitioner, he did not receive the summons from the said court since the petitioner was abroad. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed, after considering the application filed by the petitioner for his previous non-appearance. This shall be notwithstanding the non-bailable warrant, if any, pending against him.

With the above observation, this application is disposed of.

(V. RAMKUMAR, JUDGE)

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